

EXHIBIT 17

Simmons, Justin

From: Cook, Stephen R. <SCook@brownrudnick.com>
Sent: Wednesday, November 16, 2022 1:44 PM
To: Simmons, Justin
Cc: Treece, Joshua; Stemland, Karen; Cottle, Jeffrey W.
Subject: Re: BAE v. Fluor: Tom D'Agostino Deposition
Attachments: BAE v. Fluor - Notice of Deposition - Thomas D'Agostino (11.14.22).pdf

Justin,
We have accepted service of the subpoena on behalf of Mr. D'Agostino for December 20, 2022. Barring some unexpected development, he will appear pursuant to the subpoena.
Steve

On Nov 16, 2022, at 6:54 AM, Simmons, Justin <jsimmons@woodsrogers.com> wrote:

CAUTION: External E-mail. Use caution accessing links or attachments.

Good morning, Stephen,

Would you please confirm that you'll accept service of the subpoena on behalf of Mr. D'Agostino and that he will appear on December 20 for deposition?

Best,

Justin

Justin Simmons
Principal

Woods Rogers Vandeventer Black PLC
10 S. Jefferson Street, Suite 1800 | Roanoke, VA 24011
P (540) 983-7795 | F (540) 983-7711
jsimmons@woodsrogers.com

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From: Cook, Stephen R. <SCook@brownrudnick.com>
Sent: Monday, November 14, 2022 3:55 PM
To: Simmons, Justin <jsimmons@woodsrogers.com>

Cc: Treece, Joshua <jtreece@woodsrogers.com>; Stemland, Karen <kstemland@woodsrogers.com>; Cottle, Jeffrey W. <JCottle@brownrudnick.com>
Subject: Re: BAE v. Fluor: Tom D'Agostino Deposition

Justin,

This firm represents Mr. D'Agostino only in his individual capacity. Appearance by Mr. D'Agostino on the 20th would be pursuant to the subpoena.

Best,

Steve

On Nov 14, 2022, at 12:01 PM, Simmons, Justin <jimmmons@woodsrogers.com> wrote:

CAUTION: External E-mail. Use caution accessing links or attachments.

Hi, Stephen,

The attached notice of deposition for Mr. D'Agostino was just sent to Fluor's counsel. BAE still believes that Fluor is obligated to produce him for deposition, since he's a current officer, director, or managing agent of the company. But BAE doesn't really care whether he appears pursuant to the notice or subpoena so long as he appears.

Best,

Justin

Justin Simmons
Principal

Woods Rogers Vandeventer Black PLC
10 S. Jefferson Street, Suite 1800 | Roanoke, VA 24011
P (540) 983-7795 | F (540) 983-7711
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From: Simmons, Justin

Sent: Monday, November 14, 2022 12:18 PM

To: 'Cook, Stephen R.' <SCook@brownrudnick.com>

Cc: Treece, Joshua <jtreece@woodsrogers.com>; Stemland, Karen

<kstemland@woodsrogers.com>; JCottle@brownrudnick.com

Subject: RE: BAE v. Fluor: Tom D'Agostino Deposition

Attached is an amended deposition subpoena for Dec. 20. Please confirm that you'll accept service on Mr. D'Agostino's behalf.

Thanks!

Justin

From: Simmons, Justin

Sent: Monday, November 14, 2022 11:34 AM

To: Cook, Stephen R. <SCook@brownrudnick.com>

Subject: RE: BAE v. Fluor: Tom D'Agostino Deposition

No worries, Stephen. I'll revise the subpoena to state Dec. 20.

Justin

From: Cook, Stephen R. <SCook@brownrudnick.com>

Sent: Monday, November 14, 2022 11:31 AM

To: Simmons, Justin <jsimmons@woodsrogers.com>

Subject: Fwd: BAE v. Fluor: Tom D'Agostino Deposition

****EXTERNAL EMAIL****

Justin,

I apologize; it looks like I "copied" my partner on the email but left you off as a recipient.

See below.

Thanks,

Steve

Stephen R. Cook

Partner

Brown Rudnick LLP

[2211 Michelson Drive](#)

[Seventh Floor](#)

[Irvine, CA 92612](#)

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F: [949-252-1514](tel:949-252-1514)

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Begin forwarded message:

From: "Cook, Stephen R." <SCook@brownrudnick.com>

Date: November 11, 2022 at 9:38:24 AM PST

Cc: "Cottle, Jeffrey W." <JCottle@brownrudnick.com>

Subject: BAE v. Fluor: Tom D'Agostino Deposition

Justin,

Thank you for your call. We've confirmed with our client that his only availability before year end is December 20. Please let us know if you intend to proceed on that date and, if so, when we can expect to receive the subpoena.

Best,
Steve

Stephen R. Cook
Partner

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[Seventh Floor](#)
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